

had been in the State at the time of the authentication or probate; and upon the said proceedings letters of administration may be granted before the expiration of six months. But it shall not be held necessary to proceed by summons as aforesaid, in case the party be as aforesaid out of the State at the time of the authentication or probate, and shall return as aforesaid; but letters of administration after the expiration of the said six months may be granted without such proceeding by summons against the executor so returning.

This section referred to in deciding that the court would apply the same rules in the matter of the time within which an application is made to revoke letters as in an application for letters. *Edwards v. Bruce*, 8 Md. 397; *cf. Stocksdale v. Conaway*, 14 Md. 107.

This section referred to in construing section 33—see notes thereto. *Georgetown College v. Browne*, 34 Md. 457.

1904, art. 93, sec. 45. 1888, art. 93, sec. 46. 1860, art. 93, sec. 46. 1798, ch. 101, sub-ch. 3, sec. 6.

46. If there shall be more than one executor named in a will, there may be the same proceedings with respect to each of them as if he were the only executor named; and any circumstances under which letters of administration may be granted, on failure of a sole-named executor, shall authorize the granting of letters testamentary to one or more of the executors, on failure of one or more of the rest; and any circumstances under which letters of administration may be granted, on failure of a sole-named executor, shall authorize the granting of such letters of administration on failure of all the executors; and in no case where there are several executors named in a will shall letters testamentary be granted to one only, or to any number of them less than the whole, or shall letters of administration be granted until there shall be such proceedings against each of them failing as would authorize the issuing letters of administration in case of the failure of a sole-named executor.

The possession of one executor, is the possession of all. *Montgomery v. Black*, 4 H. & McH. 391.

Where there are three executors and only one of them answers a petition, the case will be reversed on appeal for want of proper parties. *Spencer v. Ragan*, 9 Gill, 482.

One administrator is not liable for the misconduct or negligence of his co-administrator unless he assents thereto. Entry of separate judgments against each of the two administrators of an estate. *Gardiner v. Hardey*, 12 G. & J. 365.

A testator may appoint different executors in different countries, or for different portions of his estate. *Hunter v. Bryson*, 5 G. & J. 483.

How the question of a failure to comply with this section must be raised. *Kane v. Paul*, 14 Pet. 41.

This section referred to in construing section 33—see notes thereto. *Georgetown College v. Browne*, 34 Md. 457.

*Ibid.* sec. 46. 1888, art. 93, sec. 47. 1860, art. 93, sec. 47. 1798, ch. 101, sub-ch. 3, sec. 7.

47. If any executor named in a will shall file or transmit to the orphans' court of the county wherein the will shall have been authenticated or proved as aforesaid an attested renunciation in writing of